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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

MARCUS CHARLES BIDDLE,

Defendant and Appellant.

A155097

(Solano County  
Super. Ct. No. FCR307328)

**MEMORANDUM OPINION<sup>1</sup>**

A jury convicted appellant Marcus Charles Biddle of possession for sale of methamphetamine in violation of Health and Safety Code section 11378, for which he was placed on three years formal probation, with 234 days to be served in county jail. In a prior appeal, he challenged the admission of a confession he made to the police on grounds it was involuntary. He also requested that this court conduct an independent review of the trial court's denial of his *Pitchess* motion following an in camera hearing. (See *People v. Biddle* (Jan. 25, 2018, A148181 [nonpub. opn.]; see also *Pitchess v. Superior Court* (1974) 11 Cal.3d 531 (*Pitchess*).)

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<sup>1</sup> We resolve this case by memorandum opinion pursuant to California Standards of Judicial Administration, section 8.1. (See also *People v. Garcia* (2002) 97 Cal.App.4th 847, 853–855.)

We rejected Biddle’s challenge to the admission of his confession, but under *People v. Guevara* (2007) 148 Cal.App.4th 62 (*Guevara*) found the record inadequate to conduct meaningful review of the court’s denial of the *Pitchess* motion. (See *People v. Biddle, supra*, A148181 [citing and discussing *Guevara, supra*, 148 Cal. App.4th at p. 69].)

We conditionally reversed and remanded for another *Pitchess* hearing. (*People v. Biddle, supra*, A148181; see *People v. Gaines* (2009) 46 Cal.4th 172, 182–183 [proper remedy upon finding procedural error in trial court’s *Pitchess* review is conditional reversal with directions to review the requested documents in chambers on remand].) On remand, the trial court vacated its prior denial of Biddle’s *Pitchess* motion, conducted a second *Pitchess* hearing, this time in conformance with *Guevara*, and reinstated its denial of Biddle’s motion. Having independently reviewed the sealed transcript of the second *Pitchess* hearing, we now affirm.

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Streeter, J.

We concur:

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Pollak, P.J.

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Brown, J.